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California Regional Water Quality Control Board

Los Angeles Region

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Mr. Don Grussing
City of Long Beach
Department of Public Works
333 W. Ocean Blvd.,
Long Beach. CA 90802

**WATER QUALITY CERTIFICATION FOR PROPOSED DOCK 9 REPLACEMENT
AT RAINBOW HARBOR PROJECT (Corps' Project No. 2004-01241-KW),
RAINBOW HARBOR, CITY OF LONG BEACH, LOS ANGELES COUNTY (File
No. 04-091)**

Dear Mr. Grussing:

Regional Board staff has reviewed your request on behalf of City of Long Beach Department of Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 14, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Ms. Valerie Carrillo, Lead, Section 401 Program, at (213) 576-5733.

_____[Original Signed by]_____
Jonathan Bishop
Interim Executive Officer

September 15, 2004
Date

California Environmental Protection Agency



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ATTACHMENT A

Project Information File No. 04-091

1. Applicant: Don Grussing
City of Long Beach
Department of Public Works
333 W. Ocean Blvd,
Long Beach, CA 90802

Phone: (562) 570-7454 Fax: (562) 570-6012
2. Applicant's Agent: Tracy Stofferahn
Tetra Tech Inc.
401 East Ocean Blvd., Suite 810
Long Beach, California 90802

Phone: (562) 495-0495
3. Project Name: Dock 9 Replacement at Rainbow Harbor
4. Project Location: Long Beach, Los Angeles County.

Longitude: 138° 4' 40.8"; Latitude: 27° 16' 44.4"
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Township 5S Range 12W Section 10
5. Type of Project: Dock Repair
6. Project Description: *Purpose:*
The purpose of this project is to replace an existing deteriorating timber dock system with a new concrete dock system. This would also increase safety at the site and include Americans with Disability Act (ADA) access not already there.

Description:
This project entails placing a new concrete float system in the area where an existing timber float exist. The footprint of the dock will remain unchanged, however, access to the dock will be modified to provide ADA access. In addition to providing ADA access, the purpose of the project is to provide access to public water transportation.

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The existing timber dock, in its entirety, will be removed, demolished and/or re cycled. The existing gangway will be removed and salvaged. Any additional structures, including 6 piles, at the project site will remain as is. Expect for approximately 38 feet of guardrail, which will be removed and demolished to allow for the new access.

A total of twenty-five new piles will be driven of which, eleven will be new 18" diameter octagonal concrete guide piles to position the concrete deck below MHT and fourteen will be new 14" diameter octagonal concrete bearing piles to support the new access platforms above MHT.

Driving piles will be accomplished by jetting. There is also the potential for drilling or rock removal as some of the piles will be placed in the revetment area of the shoreline.

The dock will consist of two separate concrete floats; each will be 108' long by 15.3' wide.

A total of four new aluminum gangways will be installed. The length of each will vary; however, all will meet ADA criteria. Three of these will be fixed aluminum ramps and one will be a hinged aluminum gangway. Four fixed timber platforms, that vary in size and elevation, will support the aluminum gangways and will provide the required landing areas for ADA access. Two sets of timber stairs will be incorporated into the access design.

New utilities to the site will be installed. Any existing utility components on the existing dock will be removed and new lines/pipes for electrical, fire protection and marine pump-out stations will be installed.

An aluminum framed canopy, 13' tall and 12' wide, will span the first platform (nearest land) of the access. Three aluminum ladders will be installed on the new dock.

The project will not have any permanent impacts to the waters as the proposed dock will be in the same alignment as the existing ones. Temporary impacts to the waters will include an increase in turbidity during pile driving however, this will be minimized and localized by the use of silt curtains.

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| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
(Permit No. 2004-01241-KW) |
| 8. Other Required Regulatory Approvals: | None |
| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction). |
| 10. Receiving Water: | Rainbow Harbor (Hydrologic Unit No. 405.12) |
| 11. Designated Beneficial Uses: | IND, PROC, NAV, REC-1, REC-2, COMM, MAR, RARE, SHELL |
| 12. Impacted Waters of the United States: | The total project size is 216 linear feet (3,000 sq.ft.) of floating dock and 877 square feet of gangway and ramps. |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | Past Project – Shoreline Lagoon
Dredged area and created Rainbow Harbor

Planned Project – Shoreline Marina
Replace existing docks at Shoreline Marina |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Float docks will be constructed off-site; hauled to the site and bolted together with minimal impact to the environment;• Concrete piles will be manufactured off-site and delivered to the site;• During pile driving, existing armor rock and quarry waste will be removed one pile at a time, as the piles are installed, and replacement of the displaced materials will be preformed immediately upon completion of driving of the individual piles. This will protect the existing revetment construction by |

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minimizing the quantity of displaced material that occurs at any given time;

- All work will be done in accordance with the project specifications and the best modern practice industry standards; and
- Pre-construction surveys shall be performed for *Caulerpa taxifolia* (“*Caulerpa*”) within the project area in accordance with the *Caulerpa* Control Protocol.

16. Required
Compensatory
Mitigation:

The Applicant shall implement a pre- and post-construction survey for surfgrass, eelgrass and rocky habitat. Surfgrass, eelgrass or rocky habitat lost due to project impacts will be mitigated at a ratio of 1:1.

The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after mitigation efforts begin.

It is not anticipated that the project activity will have a negative impact on waters of the United States. During the construction, all possible BMPs will be utilized in order to minimize impacts to waters. The impacts associated with this project are minimal and temporary in nature. Therefore, compensatory mitigation will not be required by the Regional Board to offset the impacts associated with this project.

ATTACHMENT B

Conditions of Certification File No. 04-091

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.

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5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
9. The Applicant shall restore TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
10. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

Conditions of Certification
File No. 04-091

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

____ (Signature)
____ (Title)''

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Conditions of Certification File No. 04-091

limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
16. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.